

REMARKS

Independent claim 27 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,549,651 to Lynn. This determination is respectfully traversed.

The Examiner contends that the Figure 1 depiction in Lynn teaches all of the claimed subject matter. It is noted that in order for a reference to be anticipatory, the reference must clearly disclose within the four corners thereof each and every element of the claimed invention. Therefore, with respect to present anticipation rejection, what Lynn teaches to one skilled in the art is irrelevant. The Examiner must find in the Lynn reference, every element set forth in independent claim 27. Therefore, reversal of the rejection and reconsideration by the Examiner is respectfully requested.

Claim 27 of the present invention is directed to a self-occluding catheter. The catheter includes a body portion having an inlet conduit, an outlet conduit, and a transverse bore in fluid communication with the inlet and outlet conduits. The occluding device is movably supported within the transverse bore of the body. A biasing device resiliently maintains the occluding device in a position occluding the inlet and outlet conduits.

In characterizing the Lynn reference, the Examiner states that Lynn includes an inlet, which the Examiner states is to the right in Figure 1, and an outlet, which the Examiner

contends is to the left of Figure 1. The Examiner further contends that Lynn includes a transverse conduit 18 with a biased occluding piston 60.

Operation of the Lynn device is described at column 5, line 49 through column 6, line 31. Insertion of a conventional luer tapered cannula advances the piston 60 to a position within transverse bore 18 to a position between the inlet and outlet conduits as so identified by the Examiner. This allows injection or aspiration. Once injection or aspiration is completed and the conventional luer tapered cannula is removed, the piston rebounds from the position between the inlet and outlet conduit to a retracted position adjacent to proximal end 30 of bore 18. Thus, it is clear that the piston of Lynn is biased in a position where passage between the inlet and outlet conduit is not occluded, i.e., normally open therebetween.

This is in direct contradistinction to claim 27 of the present invention, where it is clearly stated that a biasing device resiliently maintains the occluding device in a closed position, and that closed position occludes the inlet and outlet conduits. This is clearly shown in Figure 1. In Lynn, the normal biased position the piston 60 does not occlude the inlet and outlet conduits.

Moreover, the presently claimed invention includes a distinct inlet conduit, outlet circuit and transverse bore between the conduits. The Lynn device includes a simple T-connection where the inlet and outlet conduits are coextensive.

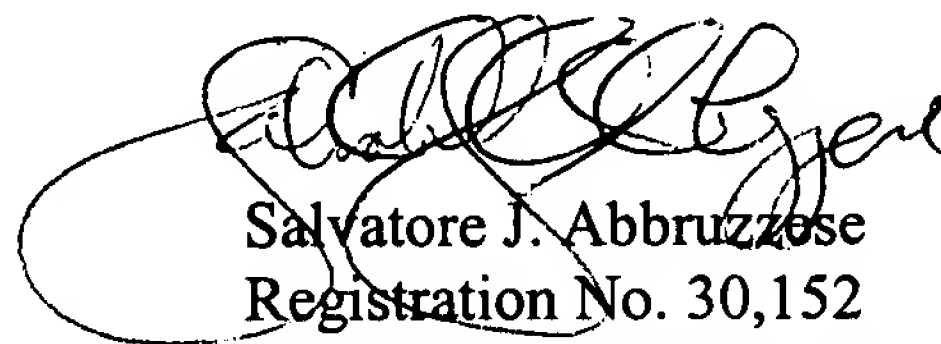
Application No.: 09/764,659
Filing Date: January 17, 2001
Docket No.: 498-221 CON
Page 4

Failing to describe each and every element set forth in claim 27, Lynn, as a matter of law, is not anticipatory thereof. Therefore, it is respectfully submitted that independent claim 27, as well as claims 28-36 which depend therefrom, are patentably distinct over Lynn.

The remaining references of record, mainly, U.S. Patent No. 6,126,201 to Cohen et al. and U.S. Patent No. 5,034,000 to Freitas et al., either alone or in combination, do not disclose, teach, or suggest the invention set forth in claim 27. Therefore, it is respectfully submitted that the application, including claims 27-36 is in condition for allowance. Favorable action thereon is respectfully solicited.

Should the Examiner have any questions regarding this submission, please contact the undersigned counsel at the telephone number below.

Respectfully submitted,



Salvatore J. Abbruzzese
Registration No. 30,152
Attorney for Applicant(s)

SJA:ljs
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, NY 11791
(973) 331-1700